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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,507	03/07/2002	Takashi Hakuta	ZU-410	6911

21839 7590 04/20/2005

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EXAMINER

ZIMMER, MARC S

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/070,507	HAKUTA ET AL.	
	Examiner	Art Unit	
	Marc S. Zimmer	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52, 65-68 and 91-105 is/are pending in the application.
- 4a) Of the above claim(s) 28-52 and 65-88 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 5-8, 10, 13, 15-17, 19-25, 92-96, 99, 100 and 102-104 is/are allowed.
- 6) ☒ Claim(s) 3, 4, 9, 11, 12, 18, 26, 27, 91, 97, 98 and 101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-4, 9, 11-12, 26, 91, 97, and 101 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai, U.S. patent # 4,153,765. Tsai disclose curable compositions comprising EPDM polymers wherein the polyene is preferably a polyunsaturated bridged-ring hydrocarbon such as 5-alkylidene-2-norbornene (column 2, lines 54-65. Beneficial as potting compounds, sealants, caulks, etc. (column 5, lines 29-34), the silane-functionalized copolymer may also be compounded with additives including organotin carboxylates (column 5, lines 49-65), organic amines (column 5, lines 67-69), amino-functional silanes, (column 6, lines 17-33), and aliphatic alcohols/diols (column 6, lines 38-41).

Claims 3, 11-12, 18, 26-27, 91, 97-98, and 101 are rejected under 35 U.S.C. 102(b) as being anticipated by Topcik, U.S. Patent # 4,798,864. According to the abstract, Topcik discloses a polyolefin blend wherein the first polymer is one of three different polymers derived at least partly from ethylene, e.g. silane-modified polyethylene, and the second olefin polymer is EPDM that is either silane modified or not. Relevant to the present discussion, ethylidene norbornene is mentioned as exemplary of the diene monomers employed in the preparation of the EPDM copolymer.

Art Unit: 1712

The silane-derivatized polymer is cured by incorporating an organometal condensation catalyst such as dibutyltin dilaurate (column 2, lines 57-65) and a water-releasing component (column 3, lines 56-59). Titanates are used as co-catalysts when curing is initiated during the blending stage. Useful in numerous applications (column 1, lines 13-16), the blends may also include fillers such as calcium carbonate or silica, plasticizers, UV stabilizers, antioxidants, etc. (column 3, lines 31-38).

Allowable Subject Matter

Claims 1, 5-8, 10, 13, 15-17, 19-25, 92-96, 99-100, and 102-104 are allowable.

Applicant is advised that the Examiner has submitted for translation JP 5-112684 A, which appears to anticipate at least some embodiments of the presently claimed invention but cannot be understood by the machine translation which is too rough to be easily comprehended.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Zimmer

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AU 1712*